

L A W S

OF HIS MAJESTY

K A M E H A M E H A I V . ,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES,

AT THEIR SESSION,

1855.



HONOLULU:
PRINTED BY ORDER OF THE GOVERNMENT.
1855.

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SESSION LAWS,
1855.

AN ACT

APPROPRIATING MONEY FOR THE LEGISLATURE OF 1855.

BE IT ENACTED *by the King, the Nobles and Representatives, of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. There shall be set apart by His Majesty's Minister of Finance, out of the money in the Treasury, the sum of eight thousand dollars, for the expenses of the two Houses of the Legislature, without waiting for the general Appropriation Bill of this year.

SECTION 2. The House of Nobles and the House of Representatives shall be at liberty to draw on the Minister of Finance, at their discretion, for any sums of money, within the amount above specified, to meet their expenses.

Approved April 21st, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

RELATING TO THE PORT OF HILO.

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That, from and after the passage of this act, the same privileges in regard to the shipping of native seamen, and to the discharge of Foreign and native seamen, that now are or may hereafter, be conferred by law, on the Ports of Honolulu in the Island of Oahu, and Lahaina in the Island of Maui, be, and the same are hereby conferred likewise on the port of Hilo in the Island of Hawaii.

Approved this 28th day of April, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO PROVIDE A POLICE COURT FOR THE PORT OF HILO.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. One of the District Justices for the District of Hilo Island of Hawaii, shall be Police Justice for the Port of Hilo, with the same powers and jurisdiction which now are, or may hereafter be conferred by law upon the Police Justices of Honolulu and Lahaina.

SECTION 2. The Police Justice of Hilo shall be appointed in the same manner as the Police Justices of Honolulu and Lahaina.

SECTION 3. This act shall take effect and become a law from and after the date of its passage.

Approved this 3d day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT
RELATING TO THE CENSUS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The act entitled "an Act in regard to the Census," and approved by the King on the 11th July, 1851, is hereby repealed.

SECTION 2. This act shall take effect and become a law, on the day of its approval by the King.

Approved this 7th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO INCORPORATE THE HONOLULU SAILORS' HOME SOCIETY.

WHEREAS, an association was formed on the 20th of November 1854, in the City of Honolulu, under the name of "the Honolulu Sailors' Home Society," for the purpose of improving the social, moral and religious condition of seamen, resorting to this port, by the establishment and maintenance of a Home of good character, from which all intoxicating liquors shall be excluded, and by such other means as shall be deemed proper, and whereas the said association have petitioned for an act of incorporation in order more fully to effect the purpose. Therefore:

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That Elisha H. Allen, Richard Armstrong, Ichabod Bartlett, Chas. H. Butler, Wm. St. Maur Bingham, Samuel N. Castle, Samuel C. Damon, John Ii, Geo. B. C. Ingraham, Wm. H. Johnson, Gerrit P. Judd, Wm. L. Lee, George M. Robertson, Thomas Spencer, J. T. Waterhouse, H. M. Whitney, H. I. H. Holdsworth, and J. E. Chamberlain, and their associates and successors, be and are hereby incorporated, and made a body politic, under the name of "the Honolulu Sailors' Home Society," and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgement and execution; and in their said corporate capacity, they and their associates and successors forever, may take, receive, have and hold in fee simple or otherwise, lands, tenements and hereditaments, by gift grant or otherwise, and may also take and hold by donation, bequest or otherwise, personal estate, and the said real or personal estate shall be faithfully appropriated to the purpose and object of establishing and maintaining a Sailor's Home as aforesaid, and not otherwise; and the said corporation may have a common seal, which they may alter or renew at pleasure.

SECTION 2. Any person contributing one dollar annually, shall be a member, and by the payment of fifty dollars shall be a life member.

SECTION 3. The control and disposal of the funds, property and Estate of the Society, and the direction of all its concerns shall be vested in a board of trustees, consisting of eighteen persons residing in Honolulu, who shall be chosen by the members of the society at its annual meeting, and the Trustees last chosen shall hold their offices until their successors are chosen, ten of whom shall be a quorum at any meeting regularly convened. The Board of Trustees shall be divided into three classes, of six each. One class shall go out at the end of each year, but shall be re-eligible. The said Board shall have power to elect from their own number a President, Vice President, Treasurer, Secretary and Executive Committee of three, and to appoint such other Committees as shall from time to time be deemed necessary. The Board shall also have power to fill vacancies in its own body, occasioned by resignation, death or any other circumstance. At the annual election the twelve Trustees remaining, shall have power to nominate twelve candidates, from whom six may be elected by the Society to fill up the Board, and the present officers of said Board, shall continue in office until their successors are elected.

SECTION 4. The Board of Trustees shall have power to appoint their own meetings, form their own rules of business, and employ such other means for accomplishing the object of the Society, as in their judgement, its exigencies may require, keeping regular minutes of their proceedings.

SECTION 5. The conveyance of any Real Estate, or a lease thereof, may be made with the concurrence of two thirds of the Trustees present at any meeting duly called.

SECTION 6. The property of the Society is alone liable for the payment of its debts and liabilities, it being hereby expressly declared that no personal liability is incurred by its members.

SECTION 7. All contracts and deeds which the said Board of Trustees may lawfully make and execute, signed by their President and countersigned by their Treasurer, and sealed with the common seal of said corporation, shall be valid in law to all intents and purposes.

SECTION 8. This act shall take effect from and after the day of its passage.

Approved, this 7th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO REMODEL THE DEPARTMENT OF PUBLIC INSTRUCTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. It shall be lawful for His Majesty the King, to abolish the office of Minister of Public Instruction, and appoint and commission a board of Education, consisting of a President and two Directors, to hold office during the King's pleasure, which board shall have the entire charge and control of the Department of Public Instruction, shall superintend the execution of all the laws relating thereto, and said President by and with the advice of said Directors, shall discharge the several duties heretofore imposed upon said Minister.

SECTION 2. All the members of the board aforesaid shall reside at the seat of the Hawaiian Government, it shall have the power to make its own by-laws, not in contravention of the laws of this Kingdom, shall keep regular records of its proceedings and the President shall make a full report of the business and transactions of the Department to the Legislature of each year, through the Minister of the Interior.

SECTION 3. The President aforesaid shall keep an office or place of business at the seat of government, shall sign all official documents of the Board, in order to their validity, shall have a seal of his Department, and be entitled to employ a clerk. He shall use his best exertions to promote the interests of education and morality on the the Islands, and the general objects of the Department, and shall receive such salary as the Legislature shall determine, but the Directors aforesaid shall receive no compensation for their services.

SECTION 4. All laws and parts of laws of this Kingdom in conflict with this act, are hereby repealed.

SECTION 5. This act shall take effect on the 1st day of July next.

Approved this 7th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO PROVIDE FOR THE EMPLOYMENT OF PRISONERS ON THE ISLAND OF OAHU.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That from and after the date of the passage of this Act, and until the erection of suitable prisons on the Island of Oahu, to meet the requirements of the "Act relating to Prisons, their government and discipline," passed in the year 1851, all male convicts sentenced by the several Courts of the Island of Oahu, to imprisonment at hard labor, shall be in the keeping of the Marshal of the Kingdom, and his Deputies, under the orders of the Governor of Oahu, who shall employ them on any public works which may from time to time be designated by the Minister of the Interior or the Secretary at War.

SECTION 2. Should the labor of such Prisoners not be required, at any time, in the performance of work for the Government, it shall be the duty of the Marshal of the Kingdom to hire them out to labor for private individuals, with the consent of the Governor, upon such terms, and to be employed at such kind of labor, as he may approve. Provided, however, that such Prisoners shall not be so employed as to prevent their being locked up within the prison every night.

SECTION 3. When such prisoners are employed on any Government work, the expense of maintaining them shall be defrayed out of the appropriation made for such work; and when they are employed to labor for private individuals, the expense of maintaining them shall be defrayed out of their earnings; and when they are not employed in either of the above modes, the Marshal may employ them in any way he may deem expedient, and the expense of maintaining them shall be defrayed by the government.

Approved this 7th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO AMEND THE LAW RELATING TO THE ELECTION OF REPRESENTATIVES OF THE PEOPLE.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the words "or any other cause," in Section 2, of the Act entitled "an Act to amend the law relating to the election of the Representatives of the people," passed in the year 1851, be and the same are hereby expunged; and the word "or" is hereby inserted between the words "resignation" and "death" in said 2nd Section.

SECTION 2. This Act shall take effect from and after the day of its passage.

Approved this 14th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT
FOR THE SUPPRESSION OF PROSTITUTION.

WHEREAS, large numbers of young females belonging to the remote Districts of the Kingdom, are in the habit of frequenting the sea-ports, particularly during the fall shipping season, for the purpose of prostitution:

AND WHEREAS, this evil practice is calculated to spread disease and death among the people, thereby contributing to their rapid decrease in number. Therefore:

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That from and after the date of the passage of this Act, it shall be lawful for the Police and District Justices of Honolulu and Lahaina, and the District Justice of Hilo respectively to cause to be arrested and brought before them, any female that may be complained of by the Sheriff or Prefect of Police as being a prostitute, and if it shall appear to the satisfaction of the Justice that such female is a prostitute, and that her father, mother or other guardian, reside in any other district than that in which such Justice has jurisdiction, or that such female has left her native district and come to reside within the district where such Justice has jurisdiction, for the purpose of prostitution, then such Justice may order such female to return to her parents or guardian if she have any, or to the district from whence she came, within forty-eight hours from the time of such order; and if such female be found within his district after the expiration of such period of forty-eight hours, the Justice may punish her by imprisonment at hard labor, or solitary confinement for a period not exceeding thirty days upon the first complaint, and upon any subsequent complaint for a period not exceeding sixty days. It shall be the duty of all Judicial and Police Officers, School Inspectors and School

Teachers, to inform the Police Justices of the seaports aforesaid, of any females belonging to their respective districts whom they may suspect of having resorted to said seaports for the purposes of prostitution, that they may be dealt with as hereinbefore provided.

Approved this 14th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO AMEND AN ACT RELATING TO BANKRUPTCY, PASSED JUNE 16TH, 1848.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That Section Thirtieth of "An Act relating to Bankruptcy," passed June 16th, 1848, be and the same is hereby repealed.

SECTION 2. After the passage of this Act, appeals may be taken from the decisions of the Commissioners in Bankruptcy in all cases decided by them to the Supreme Court of this Kingdom, provided that the appellant give notice of appeal within five days after the decision rendered, and within ten days after such decision file with the said Commissioners a good and sufficient bond, in the penal sum of One Hundred Dollars, conditioned for the payment of all costs arising from said appeal, in case the said appeal shall not be sustained in the Supreme Court.

SECTION 3. This Act shall take effect from and after the day of its passage.

Approved this 14th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO PROVIDE REVENUE FROM IMPORTS, AND TO CHANGE AND MODIFY EXISTING LAWS IMPOSING DUTIES ON IMPORTS.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That, in lieu of the duties imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected and paid on the goods, wares and merchandise herein enumerated and provided for, imported from foreign countries, the following rates of duty; that is to say,

On Spirits, Liqueurs, Cordials, &c., mentioned in Schedule A, of the strength of proof—Three Dollars per gallon, and so in proportion for any greater or less strength.

On Wines mentioned in Schedule B, a duty of One Dollar per gallon.

On goods, wares and merchandise mentioned in Schedule C, a duty of fifteen per centum ad valorem.

On goods, wares and merchandise mentioned in Schedule D, a duty of ten per cent. ad valorem.

On goods, wares and merchandise mentioned in Schedule E, a duty of five per centum ad valorem.

SECTION 2. *And be it further enacted,* That the goods, wares and merchandise mentioned in Schedule F, shall be exempt from duty.

SECTION 3. *And be it further enacted,* That there shall be levied, collected and paid on all goods, wares and merchandise imported from foreign countries, and not specially provided for in this Act, a duty of ten per cent. ad valorem.

SECTION 4. *And be it further enacted,* That in all cases in which the invoice or entry shall not contain the weight, or quantity or measure of goods, wares or merchandise, now weighed or measured or gauged, the same shall be weighed, gauged or measured, at the expense of the owner or consignee.

SECTION 5. *And be it further enacted,* That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased, on entry of the same to make such addition in the entry to the cost or value given in the invoice, as in his opinion may raise the same to the true market value of such imports in the principal markets of the country whence the importation shall have been made, or in which the goods imported shall have been originally manufactured or procured, as the case may be, and to add hereto all costs and charges which, under existing laws would form part of the true value at the port where the same may be entered, on which the duties should be assessed. And it shall be the duty of the Collector, within whose district the same may be imported or entered, to cause the dutiable value of such imports to be appraised, estimated and ascertained, in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by ten per centum or more, the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected and paid a duty of twenty per centum ad valorem on such appraised value. Provided, nevertheless, that under no circumstances shall the duty be assessed upon an amount less than the invoice value.

SECTION 6. All laws or parts of laws inconsistent with this Act shall be and the same are hereby repealed.

SECTION 7. This Act shall take effect in twelve months from and after the day of its publication in the Polynesian newspaper, provided that it is not in violation of any treaty existing at that time.

SCHEDULE A.

Spirits or strong waters of strength of proof by Gay Lussac's Alcometre, and so in proportion for any greater or less strength, viz:— Brandy, Gin, Rum, Whiskey, Alcohol, and all other spirits, \$3 per gallon; and all Spirits, Liqueurs, Cordials, brandied fruits or strong water respectively, sweetened or mixed with any other articles of the strength of proof by Gay Lussac's Alcometre, and so in proportion for any greater or less strength, \$3 per gallon.

SCHEDULE B.

Port, Sherry, Madeira and other wines, containing over 18 per centum and under 30 per centum alcohol, \$1 per gallon.

SCHEDULE C.

Fire-arms and side-arms of every description; Laces, Braids and Insertings of Cotton or Silk; manufactures of goat's or mohair not otherwise provided for; Lasting, Cambric, Damask, Drapery, Moreen, Paramattas, Silk Velvet, Silks and Satins and manufactures of silk or of which silk shall be a component part; Grasscloth, Piña goods, Corn, Wheat, Rye, Barley and other grain, and the manufactures thereof; Bread, Beans, Peas, Musical Instruments of all kinds; Crockery, Billiard Tables, Fruits and Vegetables of all kinds not otherwise provided for; Carpets, Oil and Floor Cloth, Gloves, Lacquered, Plated, Silver and Glass ware, manufactures of Papier Maché, Tobacco, and all manufactures of Tobacco; Comfits, Sweetmeats or Fruits preserved in sugar or syrup, and Confectionery of all kinds; Powder, Shot, Percussion Caps, Salt-Petre, Soda, Essences not otherwise provided for; Regalia, Gold-Leaf, Hair-Cloth, Ten-Pin Balls, Cassia, Cloves, Nutmegs and Spices of all kinds; Card-Cases, Pocket-Books, Shell Boxes and Souvenirs, and all similar articles of whatever materials composed; Combs of all kinds, Coral manufactures, Crayons, Dolls and Toys of all kinds, Fans and Feathers, and artificial Flowers of whatever material; manufactures of Ebony, Mahogany, Rosewood, Satin or Camphor wood; manufactures of Pearl, Bone, Horn, Ivory, and all other kinds of fancy articles of a similar kind; Daguerreotype stock, Arrow Root, Sago, Tapioca; Perfumes, Tinctures, Pastes, Extracts and Cosmetics used for the toilet, Bay-Rum, Tea, Coffee, Chocolate, Cocoa, Crackers, Salt, Sugar of all kinds and Syrups of sugar; Sardines and all fish in oils; Molasses, Starch, Gros de Naples, Helventine, Jewelry of all kinds, Bracelets, Guards and Chains of hair; Beads of all kinds, Ornaments, Watches and parts of Watches, Circus and Theatrical Wardrobes, and all articles used for scenic representations or public exhibition, Lacquered Furniture, Walking Sticks or Canes, Paintings and Engravings, whether framed or otherwise; Claret, Hock, Champagne and all other light wines containing not over 18 per cent. of alcohol, Cider, Champagne Cider, Perry, Ale, Beer, Porter, and all other beverages containing alcohol.

SCHEDULE D.

Iron or Steel, Axes, Hatchets, Ballast, Buoys, Windlass-Nippers, Trypots, Whale and Seal Irons, Anchors, Stoves, Lances and Bomb Lances, Hand-Cuffs, Tacks, Trace-Chains, Iron Pipe, Wire-Cloth, manufactures of Wool, Linen and Cotton not otherwise provided for; Beef and Pork Tongues, Hams, Lard, Game and Vegetables inclosed in sealed cans or otherwise, Butter, Cheese, Leather and manufactures of leather, Hides, Fish—fresh, salted, dried, smoked or pickled;—Doors and Sashes, House Frames, Bunting, Britannia, Hard, Hollow, Tin, Zinc and Wooded Ware not otherwise provided for; Clothing ready made, and wearing apparel of every description; Hats, Caps, Bonnets, Hose not otherwise provided for; Blacking, Corks, Composition, Copper, Tin, Zinc, and Yellow Metal not otherwise provided for; and nails of the same; Cordage, Cambooses, Chronometers, Davits, Ship's Tackle and Stores not otherwise provided for; Oars, Twine, Tarred Paper, Candles, Camphene and burning fluids of every description not otherwise provided for; Pitch, Tar, Rosin, Lamps, Lanterns, Scales, Pumps, Carriages, and parts of Carriages, Wagons, Carts, Whips, Wheels, Spurs, Yokes, Safes, Vaults, Trunks not otherwise provided for; Vinegar, Wax, Sperm, Whale, Seal, Porpoise and Blackfish Oil, Neatsfoot and Coconut Oils, Marbles, Sheet Lead, Lead Pipe, Lines, Nets, Grindstones, Glass, Hops, Live Stock not otherwise enumerated; Slates, Solder, Sand Paper, Spy-Glasses and Telescopes, Cutlery of all kinds, Orleans, Alpacca, Alpine, Barage, Balzorine, manufacture of Worsted or Cashmere, or of which they shall be a component part, not otherwise provided for; Brooms and Brushes of all kinds, Furniture and Upholstery not otherwise provided for; Clocks and parts of Clocks, Belts, Shawls not otherwise provided for; Paper Hangings, Matting, Soda Fountains, Honey, Medical Drugs, Roots and Leaves, and medicinal preparations not otherwise provided for; Surgical Instruments.

SCHEDULE E.

Blacksmith's, Caulker's, Cooper's, Carpenter's, Shoemaker's, Machinist's and Turner's Tools; Chain Cable, Nails, Rivets and Spikes of Iron of all kinds, Iron Hoops, manufactures of cotton not otherwise provided for; Flannel of whatever material, Blankets of all kinds,

Coburgs, Crash, Duck and Canvass, Osnaburgs, Boats, Lumber, Hewed, Sawed and Rough; Casks and Barrels, Staves, Books, printed and blank; Stationery and Paper of all kinds not otherwise provided for; Brick, Cement and building materials of all kinds; Bags and Bagging, Furnaces, Monuments, Spars, Walrus Teeth, Paints of all kinds, Turpentine, Linseed and other oils used in painting, Varnish, Putty, Soap, Rice and Paddy, Thread not otherwise provided for, Hydraulic Rams, Wood, Coal, Ice, Alcohol when introduced for medicinal or mechanical purposes, in accordance with the Act passed August 16th, 1854.

SCHEDULE F.

Trees, Shrubs, Bulbs, Plants, Roots and Seeds for planting and sowing not otherwise provided for; Machinery of all kinds, Steam Engines, Mills, Coffee Cleaners, Rice Hullers, Plows, Hoes, and other instruments of husbandry imported by any agriculturalist or body of agriculturalists, and not intended for sale; animals for improving the breed in this kingdom, all produce of Hawaiian Fisheries, Professional Books, Instruments, implements and tools of trade, old and in use of persons from abroad, and not intended for any other person or for sale; goods, wares and merchandise exported to a foreign country and brought back in the same condition as when exported, upon which no draw-back has been allowed; household effects and wearing apparel, and other personal effects in use, not merchandise; also all goods imported free by Christian Missionaries and Foreign Ministers, and Whale Ships under the present laws.

Approved this 14th day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT
TO INSTITUTE HOSPITALS FOR THE SICK POOR.

WHEREAS, past experience and daily repeated observation show the necessity and duty of the public to provide Hospitals for their relief, where they may receive kind nursing and skillful attendance; and that the said Hospitals may become schools where a certain number of intelligent Hawaiians selected for that object, may be instructed in medical science and the cure of the numerous diseases now prevalent and that are constantly on the increase: Therefore, BE IT ENACTED, *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Minister of the Interior is hereby authorized to establish two Hospitals for the sick poor, being natives of this kingdom, one at Honolulu, Island of Oahu, and one at Lahaina, Island of Maui, which Hospitals shall be under the immediate supervision of the Board of Health, in conjunction with the Governors of the Islands on which said Hospitals are established.

SECTION 2. That the Minister of the Interior, at his discretion, can cause a Hospital to be established on Hawaii, and also one on Kauai, under the same regulations that may govern those established on Oahu and Maui.

SECTION 3. It shall be the duty of said Board to make rules and regulations for the government of said Hospitals, which shall be submitted to the King in Privy Council for approval, and which shall be published for general information.

SECTION 4. This Act shall take effect from and after the day of its passage.

Approved this 25th day of May, A. D. 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

DECLARING THE PERIOD AT WHICH ALL SUBJECTS OF THE KING CEASE
TO BE MINORS AND BECOME OF LEGAL AGE.

BE IT ENACTED, *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. All male persons residing in this kingdom who shall have attained the age of twenty years, and all females who shall have attained the age of eighteen years, shall be regarded as of legal age and their period of minority to have ceased.

SECTION 2. This Act shall take effect and become a law on the day of its approval by the King.

Approved this 1st day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO REGULATE THE PAY OF TAX COLLECTORS AND TO PROVIDE FOR AN
ENUMERATOR OF ALL PERSONS AND ANIMALS LIABLE
TO TAXATION.

BE IT ENACTED, *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. His Majesty the King is hereby authorized to appoint annually, on or before the first day of July, an Enumerator for each Taxation District of this kingdom, whose duty it shall be, under the direction of the Minister of Finance, to make, on or before the first day of September, a faithful enumeration of all persons and animals in his district liable to be taxed, and to make a tax list of the same, classified according to a blank form to be furnished by said Minister.

SECTION 2. Each Enumerator on his appointment shall take and subscribe before a Police or District Justice the following oath, a certified copy of which shall be immediately forwarded by the magistrate before whom it was taken to the Minister of Finance:—

“I, ———, being appointed to make an enumeration of all persons and animals liable to taxation in the District of ———, Island of ———, do solemnly swear that I will faithfully discharge the duties of said office. So help me God.”

SECTION 3. It shall be the duty of each Enumerator to call once at the usual place of business or residence of every tax payer for the purpose of ascertaining accurately the amount of taxes such person is liable to pay; and if any person when called upon by the Enumerator shall decline or refuse to give a list of persons residing with him, and animals in his possession, liable to be taxed, or shall refuse to make oath to the accuracy of said list when given, then it shall be competent for said Enumerator to make a list of said persons and animals liable to taxation, according to the best of his knowledge, and include the same in his enumeration, which shall be binding upon the person so declining or refusing as aforesaid.

SECTION 4. The Enumerator is authorized at his discretion to administer the following oath to any person who shall give him a list of persons and animals liable to taxation, viz:—" You solemnly swear that the list of all persons residing with you and of animals in your possession liable to taxation, which you have given me, is true. So help you God." Any person refusing to take the oath aforesaid, shall be fined a sum not exceeding fifty dollars, or be imprisoned at hard labor for a period not exceeding thirty days, on being convicted of the offense before any District Justice.

SECTION 5. Whenever the Enumerator calls for a list as aforesaid, and no person shall be found to furnish said list, the said Enumerator shall leave a notice at the house or place of business of the person so called upon, requiring said person to furnish him a list of all persons residing with, and all animals in his possession liable to taxation, within twenty days, and in case said list is not furnished within twenty days as aforesaid, then it shall be competent for the Enumerator to make out such list according to the best of his knowledge, which shall be binding upon the party so failing to furnish a list as aforesaid.

SECTION 6. It shall be the duty of each Enumerator on or before the first day of September in each year, to complete and deliver to the Governor of the Island in which his district is located, two certified copies of the Tax List made out by him, as above prescribed, one of which copies shall be immediately forwarded by the Governor to the Minister of Finance.

SECTION 7. Each Enumerator, who shall have faithfully discharged the duties of his office according to law, on presenting his Tax List completed to the Governor of the Island in which his district is located, shall be paid by the said Governor's draft on the Hawaiian Treasury, a compensation for his services equal to five per centum of the amount of taxes for his district as shown by the Tax List so made out and delivered as aforesaid.

SECTION 8. Each Tax Collector, before entering upon the duties of his office, shall annually file with the Governor of the Island in which his District is located a bond to the Minister of Finance, conditioned for the faithful discharge of his duties according to law, with two sureties to be approved by the Governor of the Island in a penal sum

equal to the amount of taxes to be collected by him, as shown by the Tax List, a certified copy of which bond shall be immediately forwarded by the Governor to the Minister of Finance.

SECTION 9. The Governors of the several islands shall deliver to each Tax Collector of their islands respectively, having filed his bond as aforesaid, a copy of the Tax List for his District, and the Tax Collector shall proceed immediately to collect the taxes in his District according to said list.

SECTION 10. Each Tax Collector in the discharge of his duties, shall call on each tax payer at his residence or usual place of business, in the month of September, October or November, after the Tax List has been delivered to him, and demand payment of the taxes made out against said tax payer in the list aforesaid; and if any tax payer cannot be found when thus called upon, the Collector shall leave with some person at his usual place of business or at his residence, a written or printed notice that he has called to collect the taxes of said tax payer, in which he shall state the amount of the same and date of the time of his calling as aforesaid, and that unless said taxes are paid within twenty days from the date of said notice that he will proceed to collect the same according to law.

SECTION 11. If any person shall neglect to pay his taxes, or refuse when called upon by the Tax Collector, until the last day of November of each year shall have elapsed, then the Tax Collector is authorized to sue him before the District Justice of that District, and if the suit is sustained he shall pay the taxes sued for, and one dollar besides for costs, for the benefit of the Royal Exchequer; but he can appeal from the decision of the District Justice.

SECTION 12. It shall be the duty of each Tax Collector on or before the first day of December in each year to pay over to the Governor of the Island in which his District is located the amount of taxes by him collected, and any Tax Collector who shall have failed to do so at the specified time, or within ten days of said time, shall be liable to forfeit ten per cent. of the amount of compensation hereinafter provided for his services as Collector, which forfeiture shall be at the discretion of the Governor aforesaid; and it shall be the duty of the Minister of Finance to prosecute the bond of any Collector who shall have failed to pay over to the Governor of the Island in which his District is located, the amount of taxes by him collected, on or before the first day of January.

SECTION 13. It shall be the duty of the Governors to hold the Tax Collectors responsible for the full amount of taxes specified in their several Tax Lists, unless they shall file with the Governors a sworn list containing the names, places of residence and amount of taxes due from each person in their several districts, from whom, after using due diligence, they were unable to collect the taxes; in which case the Governors are hereby authorized to deduct the amount of taxes in the list so sworn to, from the amount of Tax List, and hold the Collector responsible only for the balance.

SECTION 14. Each Tax Collector who shall have faithfully discharged the duties of his office, and shall have paid on or before the first day of January to the Governor of the Island in which his District is located, the amount of taxes by him collected, shall be paid by the Governor's draft on the Hawaiian Treasury a compensation equal to ten per cent. of the amount of taxes by him collected and paid over as aforesaid; provided, that the compensation paid to the Tax Collectors of Kona, Oahu, and Lahaina, Maui, shall not exceed seven and one-half per cent. of the amount of taxes collected and paid over by them.

SECTION 15. It shall be the duty of the said Tax Collectors to pay over to the School Treasurers of their respective Districts the whole amount of school taxes collected by them in their respective Districts, and the said Tax Collectors shall take receipts from the said School Treasurers of the money so paid by them, which receipts shall be passed over to the Governors of their respective Islands as vouchers of the amount so paid over by the said Tax Collectors to the said School Treasurers.

SECTION 16. This Act shall take effect from and after the date of its publication in the Polynesian newspaper and Elele Hawaii.

SECTION 17. All parts of the existing laws in conflict with the provisions of this Act, shall be, and the same are hereby repealed.

Approved this 4th of June, A. D. 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

REVISING A PORTION OF THE ACT MAKING THE PORTS OF HILO, KAWAIHAE AND KEALAKEKUA ON THE ISLAND OF HAWAII, AND WAIMEA ON THE ISLAND OF KAUAI, PORTS OF ENTRY.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the words, in the Act making the ports of Hilo, Kawaihae and Kealakekua on the Island of Hawaii, and Waimea on the Island of Kauai, ports of entry, "and Waimea on Kauai" be stricken out, and the words "and Koloa on Kauai" be inserted in their place.

SECTION 2. This Act shall go into effect on the day of its final passage.

Approved this 7th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT.

TO ALTER AN ACT ENTITLED AN ACT RELATING TO THE WATER LOTS CALLED WAIKAHALULU, MAKAI OF THE FORT OF HONOLULU.

BE IT ENACTED *by the King, the Nobles and the Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The word "semi annual" at the close of the 5th Section in the English version of an Act entitled an act relating to the Water Lots called Waikahalulu, makai of the Fort of Honolulu, shall be, and is hereby stricken out, and the word "monthly" substituted for it; and the word "eono" in the Hawaiian version of the said section of the said act shall be and is hereby erased without the substitution of any other word.

SECTION 2. The Minister of the Interior is hereby authorized to sell one or more of the lots of Waikahalulu in like manner with all other real estate belonging to the government, after giving the notice required in Section 4 of the said Act.

SECTION 3. This act shall take effect on the day of its passage.

Approved this 14th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

- AN ACT

TO AMEND THE LAW RELATING TO APPEALS FROM THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES.

WHEREAS, the functions of the President of the Board of Commissioners to Quiet Land Titles ceased on the 31st day of March, 1855, by the dissolution of the said Board as required by law; Therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council-assembled:

SECTION 1. That upon any appeal being taken from the decision of the Board of Commissioners to Quiet Land Titles after the 31st day of March, 1855, the bond required by Section 7, Article 3, Chapter 3, of the Act to organize the Judiciary Department, for such appeal shall be approved by the Minister of the Interior.

SECTION 2. This Act shall take effect from and after the day of its passage.

Approved this 14th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO TRANSFER THE BUREAU OF PUBLIC IMPROVEMENTS FROM THE OFFICE OF THE MINISTER OF THE INTERIOR TO THE OFFICE OF THE SECRETARY AT WAR.

WHEREAS, it is desirable that surveys of the coasts of the Islands, and of the various harbors and inlets thereon should be made; and whereas, it is indispensably necessary that one or more competent engineers should be engaged for the military service, and whereas, principles of economy require that separate expenses should not be incurred for the performance of these various duties of civil and military engineers; Therefore,

BE IT ENACTED *by the King, the Nobles and Representatives, of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. All duties prescribed in Chapter 3, part 1, of the Act to organize the Executive Departments of the Hawaiian Islands, and all other duties relating to public improvements, shall cease to be performed by the Minister of the Interior, and the Bureau of Internal Improvements shall henceforth be a bureau under the charge of the Secretary at War, who shall perform hereafter all duties assigned by the above mentioned chapter to the Minister of the Interior.

SECTION 2. All monies henceforth appropriated by the Legislature for Public Improvements, shall be drawn from the Treasury and expended under the direction of the Secretary at War, who shall account for the same in his annual report.

SECTION 3. This Act shall take effect from and after the day of its passage; and all laws and parts of laws in conflict therewith shall be, and are hereby repealed.

Approved this 14th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO AUTHORIZE THE MINISTER OF FINANCE TO NEGOTIATE A LOAN.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That it shall be lawful for the Minister of Finance by and with the advice and approval of His Majesty and Privy Council, to negotiate a loan by the issue of exchequer bills, or in any other mode deemed best, for a sum not exceeding One Hundred and Fifty Thousand dollars.

SECTION 2. The amount arising from the aforesaid loan shall be appropriated for the objects and improvements provided for by law.

SECTION 3. This Act shall take effect from and after the date of its publication in the Polynesian newspaper.

Approved this 25th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO AMEND THE STATUTES REGULATING PROCEEDINGS IN COURTS OF
LAW.BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That all the proceedings authorized and prescribed by Section 23 of chapter 4 of an act to organize the Judiciary Department, may be had before any Judge at chambers authorized to hold the court in which a suit may be pending, and said Judge is hereby empowered at chambers to discharge all the duties imposed on the court by said section.

SECTION 2. That so much of Section 20 of Chapter 4 of the Act to organize the Judiciary Department as declares, "that in no case purely between foreigners in which the property in any foreign vessel is concerned, shall it be lawful to entertain any bill of foreclosure, or in the nature of libel in admiralty without the previous written request of the Representative of the nation whose subject or citizen is concerned, or whose vessel is sought to be attached or libelled and sold or foreclosed," be and the same is hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its publication in the Polynesian newspaper.

Approved this 25th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO REGULATE THE SHIPPING AND DISCHARGE OF NATIVE SEAMEN.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The Minister of the Interior shall appoint in each of the ports of Honolulu, Oahu—Lahaina, Maui, and Hilo, Hawaii, an officer in whose presence, or in the presence of whose deputy, all native seamen of this kingdom shall be shipped, paid off and discharged. The said officer shall give a bond to the Governor in the sum of Two Thousand Dollars for the faithful performance of his duties.

SECTION 2. When any native seaman is discharged from any whale-ship, or other vessel, the captain thereof shall exhibit to the officer so appointed, or to his deputy, previous to settlement, a detail of the debts incurred by such seaman to the said captain, and the amount of the pay due by him to the said seaman to be certified on oath administered by said officer if required.

SECTION 3. The above mentioned Shipping Officer shall be empowered to make all agreements between the masters of vessels and native seamen, on being required so to do by the seaman about to ship.

SECTION 4. The said officer shall receive fifty cents for each seaman shipped or discharged before him, and five per cent. on the amount paid to each seaman; which compensation shall be in lieu of pay for all services rendered. The expense of shipping shall be borne by the vessel.

SECTION 5. It shall moreover be the duty of the said officer to keep all bonds for the return of native seamen enlisted for foreign voyages, as by the present laws provided, and upon the expiration of the time specified in any such bond it shall be his duty to forward such bond to the Governor of the Island where he is situated, and at the same time notify him that its term has expired.

SECTION 6. The Governor upon receiving any such bond, shall within three days thereafter place it in the hands of the Government Attorney of the district for prosecution, and such attorney shall prosecute the same within twenty days after receiving it.

SECTION 7. It shall not be lawful for the Shipping Officer to ship any native seaman for a foreign voyage to exceed two years.

SECTION 8. In case of the death of any seaman during the voyage, said Shipping Officer shall be empowered to demand and receive, on the return of the vessel on which the deceased seaman enlisted, the amount of wages or pay due said seaman, and to pay it over to his legal representatives.

SECTION 9. All laws and parts of laws now existing in contravention of this act shall be and are hereby repealed.

SECTION 10. This act shall take effect from the day of its publication in the Polynesian newspaper and the Elele.

Approved this 25th day of June, A. D. 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

RESPECTING THE RESERVOIRS AND HYDRANTS IN THE CITY OF
HONOLULU.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the passage of this act the Sheriff of Oahu, at Honolulu, shall have charge of the Hydrants and Reservoirs belonging to the government in Honolulu.

SECTION 2 That it shall be the duty of the Sheriff of Oahu, at Honolulu, in person or by his deputies to inspect all Hydrants and Reservoirs of water belonging to the government in the city of Honolulu, at least once every week, and to report all damages sustained and repairs necessary for the same to the superintendent of public works, who shall cause such damages to be immediately repaired.

SECTION 3. That the Minister of the Interior be hereby authorized to draw on the Minister of Finance from time to time, for a sufficient amount to keep the aforesaid Hydrants and Reservoirs in efficient repair.

Approved this 25th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

PROVIDING FOR A NEW MARKET IN THE CITY OF HONOLULU.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. By this act, the space between the Flour Mill and the water, the boundaries of which are to be distinctly marked out by the Minister of the Interior, shall be reserved for and used as a market, for the use and convenience of the inhabitants of the above mentioned city, and the present rules and regulations for the government of the present market, shall be applied to the one authorized under this act.

SECTION 2. This act shall go into effect from and after the day of its passage.

Approved this 25th day of June, A. D. 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

RELATING TO THE PUBLIC HEALTH.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. There shall be appointed by the King, with the advice and consent of His Privy Council, a Board of Health consisting of three persons, to serve during the King's pleasure, who shall be charged with the general oversight and care of the public health, shall keep regular records of their proceedings, and shall discharge the several duties prescribed in the following sections.

SECTION 2. It shall be the duty of said Board to make and publish, from time to time, such regulations for the public health, both sanitary and quarantine, not in conflict with the laws of this kingdom, as it may think wise and expedient, and impose the same by proper fines and penalties through the regular courts, provided that such regulations shall be subject to the approval of the King in council.

SECTION 3. The Board of Health is authorized and empowered to appoint suitable agents in such localities on the Islands as it may deem necessary, and invest them with authority to carry into effect the aforesaid regulations for the public health, and shall hold such agents accountable for all monies received and disbursed by them, on account of the public health, and for the manner in which they may discharge their several duties.

SECTION 4. It shall be the duty of said Board, in person or by its duly authorized agent, to examine all residences or places where there may be reported or suspected to exist any nuisance deleterious to the public health, and when satisfied that such nuisance does exist, to cause it to be removed at the expense of the owner of the premises, or if on public ground at the expense of the government.

SECTION 5. It shall be the duty of the Marshal, all sheriffs and pre-fects of police, physicians and constables, to report to the Board of Health or its nearest authorized agent, the existence of any such nuisance of which either of them may be cognizant, as soon as possible after it shall come to the knowledge of either of them.

SECTION 6. It shall be the duty of every practicing physician to report to the Board of Health, or its nearest agent, in writing, every patient he may have laboring under any malignant disease highly dangerous to the public health, within twenty-four hours after he shall be satisfied of the nature of said disease; also during the prevalence of any malignant disease to report to the said Board, or its agent, every case of death which takes place in his practice from such disease within twenty four hours after it shall have occurred.

SECTION 7. It shall be the duty of every head of a family, keeper of a boarding or lodging house, or master of a vessel in any harbor of these Islands, to report to said Board of Health or its nearest agent, the name of any person in or about their houses or vessel whom they shall have reason to believe to be sick with malignant disease, within six hours after its occurrence; and the Board of Health shall have power to remove all cases of malignant disease to a more suitable place, when the health of the people in the vicinity shall require it.

SECTION 8. For the purpose of carrying into effect the several provisions of this act, the Board of Health are hereby authorized and empowered to draw from the King's treasury all sums of money that may be appropriated by the Legislature for the good of the public health, and disburse it for the several objects for which it shall have been appropriated; and in case pestilence or contagious disease shall visit the nation, said Board is empowered to draw from the public treasury such sums of money as may be from time to time appropriated by the King in council for the purchase of medicines, procuring the services of physicians, nurses and attendants, the erection of hospitals, supplying necessary food, clothing and lodging for the destitute sick, the interment of the dead, or any other measures they may deem necessary to protect the lives and health of the people during the prevalence of said disease; provided that in all cases said Board

shall observe the strictest economy in their expenditures; and provided moreover that in presenting their drafts to the Minister of Finance for payment, they shall be accompanied with an account current showing the objects for which the money is to be used, and satisfactory vouchers for the same.

SECTION 9. The Board of Health aforesaid shall make a full and detailed report of its transactions and business to the Legislature of each year, embodying an account of its receipts and expenditures, through the Minister of the Interior. It shall also, during the prevalence of severe pestilence or epidemic, furnish for publication each week a report of the health of the population.

SECTION 10. In case any monies are expended by the Board of Health for the sick brought into this kingdom in vessels from abroad, it shall be the duty of said Board, or their authorized agent, to demand the same of the captain of the vessel in which such sick person was brought, and unless paid upon request, the Collector of Customs shall not grant a clearance to such vessel until the same is paid; the master shall be held liable for the said amount, and may be sued for the same in the courts of this kingdom.

SECTION 11. For the purpose of removing filth injurious to the public health from houses, towns and villages, to a suitable distance, or filling up pits or ponds where such filth may be deposited, it shall be lawful for the Board of Health to require of the several governors of Islands to cause the prisoners under their charge to aid them in such work and to such an extent as said Board may deem necessary.

SECTION 12. This act shall take effect and become a law on the day of its passage; and an act entitled "A law establishing a Board of Health," confirmed by the Legislature on the 8th day of May, 1851, and also "An act relating to the Public Health," approved May 16th, 1853, and all other laws or parts of laws contravening this act are hereby repealed.

Approved this 25th day of June, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

AN ACT

TO REGULATE THE SHIPPING OF FOREIGN SEAMEN IN THE PORTS OF
HONOLULU AND LAHAINA.

BE IT ENACTED, *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That it shall be the duty of the Governors of Oahu and Maui from year to year to grant to any person applying therefore, a license to establish a Shipping Office for foreign seamen at the ports of Honolulu and Lahaina.

SECTION 2. Before granting a license to keep a shipping office the said Governors shall receive at the hands of the applicant the sum of forty dollars for the use of the Royal Exchequer, as license money, and they shall receive at the hands of the said applicant a bond with at least two good and sufficient sureties, to be approved by the said Governors, in the penal sum of two thousand dollars, which bond shall be in the following form, and upon the following condition:—

Know all men by these presents that we ——— principal, and ———, sureties, residing at ——— in the Island of ——— Hawaiian Islands, are held and firmly bound unto His Excellency ———, Governor of ———, for the use of the Hawaiian Government in the penal sum of two thousand dollars, lawful money, to be levied of our respective joint and several property, in case the condition herein setforth shall be violated. For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Scaled with our seals, and dated this ——— day of ———, 185 .

The condition of the above obligation is, that whereas the above bounden principal, has this day obtained a license to keep a shipping office for foreign seamen for the term of one year from the date hereof; now if he shall not during the continuance of his said license demand or receive more than three dollars as a shipping fee, nor more

than ten per cent. of the amount advanced as a surety fee from any sailor shipped at his office; and if he shall at no time make default in repaying to any and every captain and agent the amount advanced by them on account of any sailor, who has failed to sail on board their vessel, and for whom he may have become surety; and if he shall in no instance ship a sailor who has not a permit from the Harbor Master, then this obligation to be void; otherwise, upon proof being made to a Police Justice, without the intervention of a jury, as prescribed in the "Act to organize the Judiciary Department," the penalty mentioned in the above bond shall be forfeited, and the license on which it is predicated revoked.

SECTION 3. It shall be the duty of every shipping master to demand and receive the Harbor Master's Permit from every seaman whom he may ship, and place the same at the disposal of the Marshal of the Hawaiian Islands or his Deputy; and the shipping master shall deliver to such seaman a certificate of his shipment, stating the name of the ship on which he has engaged to serve, and the time at which he is to render himself on board; provided always that nothing in this act contained shall be so construed as to forbid captains of vessels from shipping foreign seamen for their own vessels, without the intervention of the shipping masters provided for in this law.

SECTION 4. Whoever shall ship a foreign seaman without a license as herein provided, shall be subject to a fine of one hundred dollars for each offense upon conviction thereof before a Police Justice.

SECTION 5. This act shall take effect from and after the first day of September, 1855.

Approved this 23d day of July, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

ARTICLES

OF AMENDMENT OF THE CONSTITUTION OF THIS KINGDOM PROPOSED
AND AGREED TO, PURSUANT TO THE 105TH ARTICLE OF THE
ORIGINAL CONSTITUTION.

ARTICLE 1. Article 27 is hereby amended in the native version only, by striking out the words "Alihikaua," and by inserting the words "Ka Luna Nui," so that the article as amended will read as follows:

"O ke Alii ka luna nui, maluna o na koa a me na manua a me na mea kua e ae ma ka moana a me ka aina; a nona ka mana ma ona iho, a ma o kekahi Luna Koa, a mau luna paha ana e koho ai, e ao a e hooponopono i ua mau mea kua nei mamuli o kona manao e pono a e malu ai ke aupuni. Aka, aole e pono ia ia ka hapai i ke kua me ka ae ole o kona Ahakukakukamalu."

ARTICLE 2. Article 29th is hereby amended by striking out the words "session of next year," and inserting in the same article, "term of two years," so that the article as amended will read as follows:—

"The King, by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of government, or any different place, if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues or dissolves them, but not beyond the term of two years; under any great emergency, He may convene both or either of them to extraordinary sessions."

ARTICLE 3. Article 32nd is hereby amended by striking out the words "appoint and," so that the article as amended will read as follows:—

"He has the power by and with the advice of His Cabinet, and the approval of His Privy Council, to remove at His pleasure, any of the several heads of the Executive Departments, and he may require in-

formation in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices."

ARTICLE 4. Article 43d is hereby amended by striking out the words "whose titles shall be Highness," and inserting the words "shall be addressed by the birth title, or such title as may have been conferred by His Majesty," so that the article as amended will read as follows:

"The King appoints some Chief of rank and ability to be His Kubina Nui, who shall be styled the Kubina Nui of the Hawaiian Islands, and shall be addressed by the birth title, or such title as may have been conferred by His Majesty."

ARTICLE 5. Article 54th is hereby amended by striking out the words "an annual," and also the words of "January next preceeding," and inserting the words "day of the fiscal year," so that the article as amended will read as follows:—

"Each of them shall make a report to the Legislature, made up to the first day of the fiscal year, of the transactions and business of his department, within one week after the opening of the Legislature."

ARTICLE 6. Article 61st is hereby amended by striking out the word "annually," and inserting the word "biennially," and by striking out the words "in the first week in April, and," and also the word "other," so that the article as amended will read as follows:

"The Legislature Body shall assemble biennially, for the purpose of seeking the welfare of the nation, at such time, and in the place that the King may judge necessary. This body shall be styled the Legislature of the Hawaiian Islands."

ARTICLE 7. Article 70th is hereby amended by striking out the words "year in which it shall have been made," and inserting in the same article, the words "term for which they shall have been elected," so that the article as amended will read as follows:—

"The Members of the House of Representatives shall receive for their services, a compensation to be ascertained by law, and paid out of the public Treasury, but no increase of compensation shall take effect during the term for which they shall have been elected; and no law shall be passed increasing the compensation of members beyond the sum of five dollars per day."

ARTICLE 8. Article 100 is hereby amended so as to read as follows:

“The Legislature votes the appropriations biennially after due consideration of the revenue and expenditure for the two preceding years, and of the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.”

ARTICLE 9 Article 72 is hereby amended by inserting after the words “during life,” the following, “unless in case of resignation,” so that the article as amended will read as follows:—

“The King appoints the Members of the House of Nobles who hold their seats during life unless in case of resignation, subject to the provisions of Article 67, but their number shall not exceed thirty.”

Approved by the King this 23d day of July, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

JOINT RESOLUTION

FOR THE RELIEF OF THE ESTATE OF HIS LATE MAJESTY KAMEHAMEHA III.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

The Minister of Finance is hereby authorized to settle the notes and accounts of His late Majesty with the Hawaiian Treasury, together with all claims and offsets of His late Majesty against said treasury, and remit the balance due from His late Majesty's estate, to the Executors of the same.

Approved this 27th day of June, A. D. 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED, *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That until the passage of the General Appropriation Bill, the Minister of Finance is authorized to pay all drafts drawn on him by the Minister of the Interior for the necessary expenses of the Fort of Honolulu, not exceeding the sum of Fifteen Hundred dollars.

Approved this 23d April, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

That the Minister of Finance shall be and is hereby authorized, until the passage of the Appropriation Bill for 1855, to pay in anticipation of the appropriations for support of military and police, such sums as may be required for their pay; provided, however, that such sums shall not exceed the monthly proportion of last year's appropriation.

Approved this 1st day of May, 1855.

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

INDEX.

ACT.	SEC.	PAGE.
Appropriating Money for the Legislature of 1855,		3
Relating to the Port of Hilo,		4
To provide a Police Court for the Port of Hilo,		5
Relating to the Census,		6
To incorporate the Honolulu Sailor's Home Society,		7
To remodel the Department of Public Instruction,		9
To provide for the employment of Prisoners on the Island of Oahu,		10
To amend the law relating to the election of Represen- tatives of the People,		11
For the Suppression of Prostitution,		12
To amend an Act relating to Bankruptcy,		14
To provide Revenue from Imports and to change and modify existing laws imposing duties on Imports,		15
To institute Hospitals for the Sick Poor,		20
Declaring the period at which all subjects of the King cease to be Minors and become of Legal Age,		21
To regulate the Pay of Tax Collectors, and to provide for an Enumerator of all Persons and Animals lia- ble to Taxation,		22
Revising a portion of the Act making the Ports of Hilo, Kawaihae and Kealahakua on the Island of Ha- waii, and Waimea on the Island of Kauai, Ports of Entry,		26
To alter an act entitled an act relating to the Water Lots called Waikabalulu, makai of the Fort of Honolulu,		27
To amend the law relating to Appeals from the Board of Commissioners to Quiet Land Titles,		28

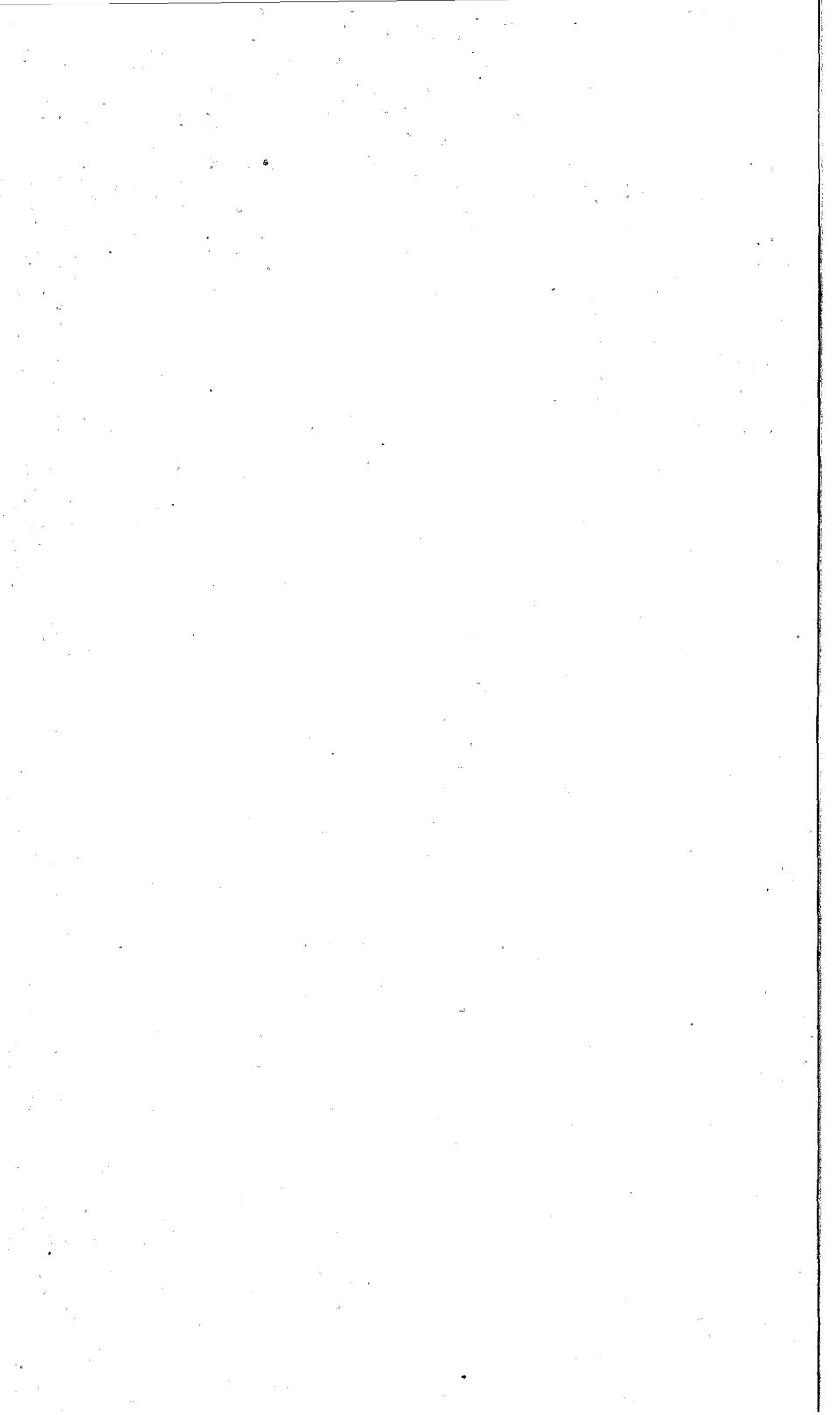
	SEC.	PAGE.
ACT,		
To transfer the Bureau of Public Improvements from the office of the Minister of the Interior to the office of the Secretary at War,		29
To authorize the Minister of Finance to negotiate a Loan,		30
To amend the Statutes regulating the proceedings in Courts of Law,		31
To regulate the Shipping and Discharge of Native Seamen,		32
Respecting the Reservoirs and Hydrants in the city of Honolulu,		34
Providing for a New Market in the city of Honolulu,		35
Relating to the Public Health,		36
To regulate the Shipping of Foreign Seamen in the ports of Honolulu and Lahaina,		39
ARTICLES		
of Amendment of the Constitution of this kingdom,		41
JOINT RESOLUTION,		
For the Relief of the Estate of His late Majesty Kamehameha III,		44
Supplies for Prisoners,		45
Supplies for the Military and Police,		46
APPEALS FROM BOARD OF LAND COMMISSIONERS,		
Act to amend the law relating to,		28
BANKRUPTCY,		
Act to amend an act relating to,		14
BOARD OF HEALTH,		
Act to institute Hospitals for the Sick Poor,		20
Act relating to the Public Health,		36
CENSUS,		
Act relating to,		6
CONSTITUTION,		
Amendment of,		41
DISTRICT JUSTICES,		
Act to provide a Police Court for the port of Hilo,		5
Act for the Suppression of Prostitution,		12
Act relating to Enumerators and Tax Collectors,		22
ENUMERATORS,		
Act to provide for,		22
FORT OF HONOLULU,		
Joint resolution appropriating money for,		45

	SEC.	PAGE.
GOVERNORS OF ISLANDS,		
Act to institute Hospitals for the Sick Poor,	1	20
Act to regulate the pay of Tax Collectors and to provide for an Enumerator,		22
Act to regulate the shipping and discharge of Native Seamen,		32
Act to regulate the Shipping of Foreign Seamen,		39
HIS LATE MAJESTY'S ESTATE,		
Joint Resolution for the relief of		44
HARBOR MASTER,		
Shipping of Foreign Seamen,		39
HOSPITALS,		
Act to institute,		20
JUDICIARY,		
Act for the Suppression of Prostitution,		12
Act relating to Bankruptcy,	2	14
" " Appeals,		28
" " Proceedings in Courts of Law,		31
LEGAL AGE,		
Act declaring the period at which all subjects be- come of,		21
LEGISLATURE OF 1855,		
Appropriating money for,		3
LOAN,		
Act authorizing the Minister of Finance to negotiate a,		30
MARSHAL,		
Act providing for the employment of Prisoners on Oahu,		10
MILITARY,		
Joint Resolution appropriating money for,		46
MINISTER OF FINANCE,		
Authorized to set apart money for the Legis- lature of 1855,		3
Authorized to appoint Enumerators,		22
To pay interest monthly on the Exchequer Bills given the Queen Dowager,		27
Authorized to negotiate a Loan,		30
Authorized to pay such sums as may be appro- priated by the King in Council in case pes- tilence shall visit the kingdom,	8	36

	SEC.	PAGE.
MINISTER OF FINANCE,		
To submit, biennially, estimates of the Revenue and Expenditure to the Legislature,	8	41
Authorized to settle the notes and accounts of His late Majesty,		44
Authorized to pay drafts drawn by the Minister of the Interior for the expenses of the Fort of Honolulu,		45
Authorized to pay the Military and Police,		46
MINISTER OF THE INTERIOR,		
To employ Prisoners on Public Works,	1	10
To establish Hospitals for the Sick Poor,		20
Authorized to sell the Lots of Waikabalulu, Bureau of Internal Improvements transferred to the Secretary at War,	2	27
To appoint Shipping Officers,	1	29
To reserve land for a New Market,	1	32
To reserve land for a New Market,		35
NEW MARKET, HONOLULU,		
Act providing for,		35
POLICE,		
To report to the Board of Health any nuisance deleterious to public health,	5	36
Appropriations for,		46
POLICE JUSTICES,		
Act relating to Tax Collectors and Enumerators,		22
PORT OF HILO,		
Act relating to,		4
Act providing a Police Court for,		5
PRISONERS ON OAHU,		
Act providing for the employment of		10
PROSTITUTION,		
Act for the suppression of,		12
REPRESENTATIVES OF THE PEOPLE,		
Act relating to the election of,		11
Shall assemble biennially,	6	41
RESERVOIRS AND HYDRANTS,		
Act respecting,		34
SAILOR'S HOME SOCIETY,		
Incorporation of,		7

INDEX.

	SEC.	PAGE.
SECRETARY AT WAR,		51
To employ Prisoners on the Public Works,	1	10
To perform all duties prescribed in Chapter 3, Part 1, of the act to organize the Execu- tive Departments,	1	29
SHERIFF OF OAHU,		
To take charge of the Reservoirs and Hydrants,		34
SHIPPING AND DISCHARGE OF SEAMEN,		
Act to regulate the shipping and discharge of Native Seamen,		32
Act to regulate the shipping and discharge of Foreign Seamen,		39
TAX COLLECTORS,		
Act to regulate the Pay of,		22
WAIKAHALULU,		
Act relating to Water Lots at,		27



TREATY

BETWEEN HIS MAJESTY KAMEHAMEHA III, KING OF THE HAWAIIAN ISLANDS AND HER MOST GRACIOUS MAJESTY VICTORIA, QUEEN OF GREAT BRITAIN AND IRELAND, DEFENDER OF THE FAITH &c. &c.

KAMEHAMEHA III. King of the Hawaiian Islands, to all whom these presents shall come, greeting:

Whereas, a treaty of friendship, commerce and navigation, between Us and Her most Gracious Majesty the Queen of Great Britain and Ireland, Defender of the Faith &c. &c., &c., was concluded and signed at Honolulu, on the tenth day of July, in the year of our Lord, one thousand eight hundred and fifty-one, by the Plenipotentiaries of Us and of the said Queen of Great Britain, duly and respectively authorized for that purpose, which treaty is word for word as follows:

HER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hawaiian Islands, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective Subjects, have deemed it expedient to conclude a Treaty of Friendship, Commerce and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say:—

Her Majesty the Queen of Great Britain and Ireland, William Miller, Esquire, Her Consul General for the Islands in the Pacific Ocean:

And His Majesty the King of the Hawaiian Islands, Robert Crichton Wyllie, Esquire, His Minister of Foreign Relations, Member of His Privy Council of State and of His House of Nobles:

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article 1. There shall be perpetual Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her Heirs and Successors, and the King of the Hawaiian Islands, His Heirs and Successors, and between their respective Subjects.

Article 2. There shall be between all the Dominions of Her Britannic Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The Subjects of each of the two Contracting parties, respectively, shall have liberty freely and securely to come with their Ships and Cargoes, to all places, ports and rivers in the Territories of the other, where trade with other Nations is permitted. They may remain and reside in any part of the said Territories respectively, and

hire and occupy houses and warehouses; and may trade, by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce; enjoying the same exemptions and privileges as Native Subjects, and subject always to the same laws and established customs as Native Subjects.

In like manner, the Ships of War of each contracting party, respectively, shall have liberty to enter into all Harbors, Rivers, and Places, within the Territories of the other, to which the Ships of War of other nations are or may be permitted to come, to anchor there, and to remain, and refit; subject always to the laws and regulations of the two countries respectively.

The stipulations of this article do not apply to the Coasting trade, which each Contracting party reserves to itself, respectively, and shall regulate according to its own laws.

Article 3. The two Contracting Parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the Subjects or Citizens of any other State, shall be extended to the Subjects or Citizens of the other Contracting party, gratuitously if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Article 4. No other or higher duties shall be imposed on the importation into the Dominions of Her Britannic Majesty, of any article the growth, produce or manufacture of the Hawaiian Islands, and no other or higher duties shall be imposed on the importation into the Hawaiian Islands, of any article the growth, produce, or manufacture of Her Britannic Majesty's Dominions, than are or shall be payable on the like article, being the growth, produce or manufacture of any other Foreign Country.

Nor shall any other or higher duties or Charges be imposed, in the Territories of either of the Contracting parties on the exportation of any article to the Territories of the other, than such as are or may be payable, on the exportation of the like article, to any other Foreign Country. No prohibition shall be imposed upon the importation of any article, the growth, produce, or manufacture of the Territories of either of the two contracting parties, into the Territories of the other, which shall not equally extend to the importation of the like articles, being the growth, produce or manufacture of any other Country. Nor shall any prohibition be imposed upon the exportation of any article from the Territories of either of the two Contracting Parties to the Territories of the other, which shall not equally extend to the exportation of the like article to the Territories of all other Nations.

Article 5. No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the Ports of the Hawaiian Islands on British Vessels, than those payable in the same Ports by Hawaiian Vessels, nor in the Ports

of Her Britannic Majesty's Territories, on Hawaiian Vessels than shall be payable in the same Ports on British Vessels.

Article 6. The same duties shall be paid on the importation of any article which is or may be legally importable into the Hawaiian Islands, whether such importation shall be in Hawaiian or in British Vessels; and the same duties shall be paid on the importation of any article which is or may be legally importable into the Dominions of Her Britannic Majesty, whether such importation shall be in British or in Hawaiian Vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from the Hawaiian Islands whether such exportation shall be in Hawaiian or in British Vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from Her Britannic Majesty's Dominions, whether such shall be in British or in Hawaiian Vessels.

Article 7 British Whale-ships shall have access to the Ports of Hilo, Kealakekua, and Hanalei in the Sandwich Islands, for the purpose of refitment and refreshment, as well as to the Ports of Honolulu and Lahaina, which two last mentioned Ports only are Ports of entry for all merchant Vessels; and in all the above named Ports, they shall be permitted to trade or to barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel without paying any charge for tonnage, or for harbor dues of any description, or any duties of imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exemption as to spirituous liquors, to the additional amount of one thousand dollars *ad valorem*, for each vessel, paying on the additional goods and articles so traded and bartered, no other or higher duties than are payable on like goods and articles when imported in national vessels and by native subjects. They shall also be permitted to pass from Port to Port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their Passengers in the said Islands except at Honolulu and Lahaina, and in all the Ports named in this article, British Whale ships shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities which are and may be enjoyed by national Whale ships or by whaleships of the most favored nation.

The like privilege of frequenting the three Ports of the Sandwich Islands named in this article, which are not Ports of entry for Merchant Vessels, is also guaranteed to all the public armed vessels of Great Britain. But nothing in this article shall be construed as authorizing any British Vessel having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of any such disease on board, any Ports of the Sandwich Islands other than Honolulu or Lahaina.

Article 8. All Merchants, commanders of ships, and others, the Subjects of Her Britannic Majesty, shall have full liberty, in the Ha-

Hawaiian Islands to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as Broker, Factor, Agent, or Interpreter; nor shall they be obliged to employ any other persons than those employed by Hawaiian Subjects, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid, in like cases, by Hawaiian Subjects. British Subjects in the Hawaiian Islands shall be at liberty to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract or exclusive privilege of sale or purchase whatever; and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix the price of any goods, wares, or merchandise, imported into, or exported from the Hawaiian Islands, as they shall see good; observing the laws and established customs of those Islands. The same privileges shall be enjoyed in the Dominions of Her Britannic Majesty, by Hawaiian Subjects, under the same conditions.

The Subjects of either of the contracting Parties, in the Territories of the other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the Courts of Justice in the said Countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all causes the Advocates, Attorneys or Agents of whatever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges as Native Subjects:

Article 9. In whatever relates to the Police of the Ports, the lading and unlading of Ships, the warehousing and safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange or testament, or in any other manner whatsoever, as also with regard to the administration of Justice, the Subjects of each Contracting Party shall enjoy, in the Territories of the other, the same privileges, liberties, and rights, as Native Subjects; and they shall not be charged, in any of these respects, with any other or higher imposts or duties, than those which are or may be paid by Native Subjects: subject always to the local laws and regulations of such Territories.

In the event of any Subject of either of the two Contracting parties dying without Will or Testament, in the Territories of the other Contracting party, the Consul General, Consul, or Acting Consul of the nation to which the deceased may belong, shall, so far as the Laws of each Country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful Heirs and Creditors, until an Executor, or Administrator be named according to the laws of the Country in which the death shall have taken place.

Article 10. The Subjects of Her Britannic Majesty residing in the Hawaiian Islands, and Hawaiian Subjects residing in the Dominions of Her Britannic Majesty, shall be exempted from all compulsory Military Service whatsoever, whether by Sea or Land, and from all

forced Loans, or Military Exactions or Requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary Charges, Requisitions, or Taxes, other or higher than those that are, or may be, paid by Native Subjects.

Article 11. It is agreed and covenanted that neither of the two Contracting Parties shall knowingly receive into, or retain in, its service, any Subjects of the other party, who have deserted from the Naval or Military Service of that other party; but that, on the contrary, each of the Contracting Parties shall respectively discharge from its Service any such deserters, upon being required by the other Party so to do.

And it is further agreed, that if any of the Crew shall desert from a vessel of War or Merchant vessel of either Contracting Party, while such Vessel is within any Port in the Territory of the other Party, the Authorities of such Port and Territory shall be bound to give every assistance in their power for the apprehension of such Deserters, on application to that effect being made by the Consul of the Party concerned, or by the Deputy or Representative of the Consul; and no public body shall protect or harbor such Deserters.

It is further agreed and declared, that any other favor or facility with respect to the recovery of Deserters, which either of the Contracting Parties has granted or may hereafter grant, to any other State, shall be considered as granted also to the other Contracting party, in the same manner as if such favor or facility had been expressly stipulated by the present Treaty.

Article 12. It shall be free for each of the two Contracting parties to appoint Consuls for the protection of trade, to reside in the Territories of the other Party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the Contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted. The Diplomatic Agents and Consuls of the Hawaiian Islands, in the Dominions of Her Britannic Majesty shall enjoy whatever privileges, exemptions and immunities, are or shall be granted there to Agents of the same rank belonging to the most favored nation; and in like manner, the Diplomatic Agents and Consuls of Her Britannic Majesty in the Hawaiian Islands shall enjoy whatever privileges, exemptions, and immunities are or may be granted there to the Diplomatic Agents and Consuls of the same rank belonging to the most favored Nation.

Article 13. For the better security of commerce between the Subjects of Her Britannic Majesty and of the King of the Hawaiian Islands, it is agreed that if, at any time, any rupture, or any interruption of friendly intercourse should unfortunately take place between the two Contracting Parties, the Subjects of either of the two Contracting Parties, shall be allowed a year, to wind up their accounts, and dispose of their property; and a safe conduct shall be given them to embark at the Port which they shall themselves select. All Subjects of either of the two Contracting Parties who may be es-

tablished in the Territories of the other, in the exercise of any trade or special employment, shall in such case have the privilege of remaining and continuing such trade and employment therein, without any manner of interruption in full enjoyment of their liberty and property as long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to Native Subjects. In the same case, debts between individuals, public funds, and the shares of companies, shall never be confiscated, sequestered, or detained.

Article 14. The subjects of Her Britannic Majesty, residing in the Hawaiian Islands shall not be disturbed, persecuted, or annoyed on account of their religion, but they shall have perfect liberty of conscience therein, and shall be allowed to celebrate Divine Service, either within their own private houses, or in their own particular Churches or Chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the Government of the said Islands. Liberty shall also be granted to them to bury in Burial Places which, in the same manner, they may freely establish and maintain, such Subjects of Her Britannic Majesty, who may die in the said Islands. In the like manner, Hawaiian Subjects shall enjoy, within the Dominions of Her Britannic Majesty, perfect and unrestrained liberty of conscience, and shall be allowed to exercise their religion publicly or privately, within their own dwelling houses, or in the Chapels and places of Worship appointed for that purpose agreeably to the system of toleration established in the Dominions of Her said Majesty.

Article 15. In case there should at any time be established British-Mail Packets, touching at a Port of the Sandwich Islands, a British packet Agent shall be permitted to reside at such port, and to collect, on account of the British Post Office, the British Sea rate of Postage which may be hereafter fixed for the conveyance of Letters by British Packets from the Sandwich Islands to any other place to which those Packets may proceed.

Such British Mails Packets shall have free access to the Ports of the Sandwich Islands, and shall be allowed to remain to refit, to refresh, to land passengers and their baggage, and to transact any business connected with the public Mail Service of Great Britain. They shall not be subject in such ports to any Duties of tonnage, harbor, light-houses, quarantine, or other similar duties, of whatever nature or under whatever denomination.

Article 16. If any ship of war or merchant vessel, of either of the Contracting Parties, should be wrecked on the coasts of the other, such ship or vessel, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the proprietors upon being claimed by them or by

their duly authorized Agents; and if there are no such proprietors or agents on the spot, then the said goods and merchandise, or the proceeds thereof as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the British or Hawaiian Consul in whose district the wreck may have taken place; and such Consul, Proprietors, or agents shall pay only the expenses incurred in the preservation of the Property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption.

Article 17. In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interest of their respective Subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the Ratifications of the present Treaty, either of the Contracting parties shall have the right of giving to the other Party notice of its intention to terminate Articles 4, 5 and 6, of the present Treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said Articles, and all the stipulations contained therein, shall cease to be binding on the two Contracting Parties.

Article 18. The present Treaty shall be ratified and the Ratifications shall be exchanged, at Honolulu, in Ten Months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereto their respective Seals.

Done at Honolulu, this tenth day of July, in the year of Our Lord one thousand eight hundred and fifty-one.

(L. s.) ROBERT CRICHTON WYLLIE.

(L. s.) WILLIAM MILLER.

And whereas, We have fully examined all the points and articles, thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing Treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfil and observe it faithfully and scrupulously in all its clauses.

In faith of which We have signed this Ratification with Our own Hand, and have affixed thereto the great Seal of Our Kingdom.

Given at Our Palace at Honolulu the 6th day of May, in the year of Our Lord one thousand eight hundred and fifty-two, and in the twenty-seventh of Our Reign.

KEONI ANA.

By the King and Kuhina Nui.

KAMEHAMEHA.

(L. s.)

R. C. WYLLIE.

EXCHANGE OF RATIFICATIONS.

The undersigned having met together for the purpose of exchanging the Ratifications of a Treaty of Friendship, Commerce, and Navigation, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hawaiian Islands, concluded and signed at Honolulu on the 10th day of July 1851; and the respective Ratifications of the said instrument having been carefully compared, and found to be exactly conformable to each other, the said exchange, took place this day in the usual form.

In witness whereof, they have signed the present certificate of Exchange, and have affixed thereto their respective Seals.

Done at Honolulu, the sixth day of May, 1852.

(L. S.) ROBERT CRICHTON WYLLIE.

(L. S.) WILLIAM MILLER.

ROYAL RATIFICATION

OF THE TREATY BETWEEN THE HAWAIIAN KINGDOM AND THE FREE
HANSEATIC REPUBLIC OF BREMEN.

KAMEHAMEHA III., King of the Hawaiian Islands, to all whom these Presents shall come, greeting : Whereas a Treaty of Friendship, Commerce and Navigation between Us and the Free Hanseatic City of Bremen, was concluded and signed at Honolulu, on the seventh day of August, one thousand eight hundred and fifty-one, by the Plenipotentiary of Us, and the specially authorized Consul of the said Free Hanseatic City of Bremen, which Treaty is word for word, as follows:

It being desirable that a general Convention and instrument of mutual agreement should exist between the Hawaiian Kingdom and the Free Hanseatic City of Bremen, the following Articles have, for that purpose, and to that intent, been mutually agreed upon and signed between the Government of the Hawaiian Islands and that of Bremen.

Article 1. There shall be perpetual peace and amity between His Majesty the King of the Hawaiian Islands, his Heirs and Successors, and the Free Hanseatic City of Bremen, and those who may succeed in the Government thereof.

Article 2. The citizens of Bremen residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights, as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to the citizens of Bremen, the same rights and privileges which now are, or may hereafter be granted to, or enjoyed by any other foreigners, subjects of the most favored nation.

In the event of any subject of either of the two contracting parties, dying without Will or Testament, in the Territories of the other contracting party, the Consul General, Consul, or Acting Consul of the State to which the deceased may belong, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an Executor or Administrator be named, according to the laws of the country in which the death shall have taken place.

Article 3. The protection of the King of the Hawaiian Islands shall be extended to all Bremen vessels, their officers and crews, within the Harbors and Roads of His Dominions. In time of war they shall receive all possible protection against the enemies of Bre-

men. In case of shipwreck, the local authorities and officers of the King, shall use their utmost exertions to succour them and secure them from plunder. The salvage dues shall be settled according to the general law of salvage, and, in case of dispute, shall be regulated by Arbitrators chosen by both parties.

Article 4. The desertion of seamen belonging to Bremen vessels shall be severely repressed by the local authorities, who shall employ all means at their disposal, to arrest and confine deserters, and the lawful expenses shall be defrayed by the Captain or Owners. In such cases no unnecessary severity is to be used, and due notice is to be immediately given to the Bremen Consul, agreeably to the Vth Article of this Treaty.

Article 5. Bremen citizens shall be allowed to reside or settle on any part of the Dominions of the King of the Hawaiian Islands, upon obtaining a document certifying that they are worthy persons, from the Bremen Consul, whose duty it is, not to give any such documents to others than bona fide citizens of Bremen. In the case of Bremen sailors wishing to remain on the Islands, permission shall be previously obtained of the Government by the Bremen Consul.

Article 6. It is agreed that the Bremen Consul shall be instructed to zealously attempt to settle amicably, and extra-judicially, all difficulties arising with Bremen citizens; and that when any case is brought before the Court, of foreign causes, the presiding Judge shall with the least possible delay, communicate knowledge thereof to the Bremen Consul, also that when Bremen sailors or citizens, are committed, in consequence of police, or other offences, information shall be conveyed to him forthwith, by the Prefect or other officer of the police.

Article 7. No productions of Bremen, or any other goods on board of, or imported in Bremen ships, that can be imported by other foreign ships, shall be prohibited, nor pay more than those duties levied on goods of the most favored nation. Any augmentation in the rate of duties levied on goods, shall not take effect nor be enforced, until eight calendar months after the first public notification of such change.

Article 8. Bremen merchandise and property, or goods imported in Bremen vessels, liable to an entrance duty higher than 5 per cent. ad valorem, shall be allowed to be bonded, paying only the usual transit duty.

Article 9. All Bremen vessels shall have the right, and privilege, of disposing of their cargoes, or any part thereof, at all, or any of the Ports of the Hawaiian Dominions, now open, or that may hereafter be opened to foreign commerce, and to take in any produce of the Hawaiian Islands, which they may receive in payment of such cargoes.

But they shall not be allowed to take any goods or merchandise or freight from one island or port to another, such coasting trade being restricted to bottoms sailing under the Hawaiian flag.

Article 10. The subjects of His Majesty the King of the Hawaiian

Islands, shall in their commercial relations, or relations of any other nature, with the Free Hanseatic city of Bremen and her dependencies be treated on the footing of the most favored nation.

Done at Honolulu, this seventh day of August, 1851.

(Signed)

[L.S.]

(Signed)

[L.S.]

R. C. WYLLIE,

Minister of Foreign Relations.

STEPHEN REYNOLDS,

Under Special Authority;

from the Senate of Bremen.

Additional Article. This Treaty shall not be permanently binding till it receive the ratification of His Majesty the King of the Hawaiian Islands, and of the Senate of the Free Hanseatic City of Bremen, but in the mean while, for the sake of Bremen vessels, or citizens arriving it is mutually agreed that it shall take effect provisionally from this date.

Done at Honolulu, this seventh day of August, 1851.

(Signed)

[L.S.]

(Signed)

[L.S.]

STEPHEN REYNOLDS.

Under Special Authority,

from the Senate of Bremen.

R. C. WYLLIE,

Minister of Foreign Relations.

And whereas, We have fully examined all the points and Articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing Treaty, and We do confirm and ratify the same in the most effectual manner, promising on our faith and word as King, for Us and Our successors to fulfil and observe it faithfully and scrupulously, in all its clauses.

In faith of which We have signed this Ratification with Our own hand, and have affixed thereto the Great Seal of Our Kingdom.

Given at Our Palace, at Honolulu, this twenty seventh day of March, in the year of Our Lord one [Seal of State] thousand eight hundred and fifty-four, and in the twenty-ninth year of Our Reign.

(Signed)

KAMEHAMEHA.

(Signed)

KEONI ANA.

Countersigned by the

KING AND KUHINA NUI.

R. C. WYLLIE,

Minister of Foreign Relations.

TREATY

WITH THE KINGDOMS OF SWEDEN AND NORWAY.

WE, KAMEHAMEHA IV, by the Grace of God, King of the Hawaiian Islands, make known

That His late Majesty King Kamehameha III, having authorized a treaty of friendship, commerce and navigation, with an additional article thereto annexed, between the Hawaiian Kingdom, and the Kingdoms of Sweden and Norway, which was concluded, signed and sealed on the first of July, 1852, by our respective plenipotentiaries, viz. : On His behalf, Robert Crichton Wyllie, Esquire, His Minister of Foreign Relations, His Secretary at War, and of the Navy, Member of His Privy Council of State, Member of the House of Nobles and Chairman of the Commissioners of His Privy Purse, and on behalf of His Majesty Oscar, King of Sweden and Norway, of the Goths and Vandals, Monsieur Christian Adolphe Virgin, His Majesty's Chamberlain, Post Captain in His Majesty's Navy, Knight of the order of the Sword, and of the order of St. Stanislaus of Russia, of the second Class, which treaty and its additional article are word for word as follows :

It being of great advantage to establish relations of friendship and commerce between the Kingdoms of His Majesty the King of Sweden and Norway and the Kingdom of His Majesty the King of the Hawaiian Islands, the undersigned, having exchanged their powers, mutually admitted as sufficient, have agreed, on the part of their respective sovereigns, to conclude a treaty of Friendship, Commerce and Navigation, as follows :

Article 1. There shall be perpetual friendship between His Majesty the King of the United Kingdoms of Sweden and Norway, His Heirs and Successors, and the King of the Hawaiian Islands, His Heirs and Successors, and between their respective subjects.

Article 2. There shall be between all the dominions of His Swedish and Norwegian Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The subjects of each of the two contracting parties, respectively, shall have liberty freely and securely to come with their ships and cargoes, to all places, ports and rivers, in the territories of the other, where trade with other nations is permitted. They may remain and reside in any part of the said territories, respectively, and hire and occupy houses and warehouses, and may trade, by wholesale or retail, in all kinds of produce, manufactures

and merchandise of lawful commerce, enjoying the same exemptions and privileges as native subjects, and subject always to the same laws, and established customs, as native subjects.

In like manner the ships of war of each contracting party, respectively, shall have liberty to enter into all harbors, rivers, and places, within the territories of the other, to which the ships of war of other nations are or may be permitted to come, to anchor there, and to remain and refit, subject always to the laws and regulations of the two countries respectively.

The stipulations of this article do not apply to the coasting trade, which each contracting party reserves to itself respectively, and shall regulate according to its own laws.

Article 3. The two contracting parties hereby agree, that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement; if the concession shall have been conditional.

Article 4. No other or higher duties shall be imposed on the importation into the dominions of His Swedish and Norwegian Majesty, of any article, the growth, produce, or manufacture of the Hawaiian Islands; and no other or higher duties shall be imposed on the importation into the Hawaiian Islands of any article the growth, produce, or manufacture of His Swedish and Norwegian Majesty's dominions, than are or shall be payable on the like article, being the growth, produce or manufacture of any other foreign country.

Nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties on the exportation of any article to the territories of the other, than such as are, or may be payable, on the exportation of the like article to any other foreign country. No prohibition shall be imposed upon the importation of any article, the growth, produce or manufacture of the territories of either of the two contracting parties, into the territories of the other, which shall not equally extend to the importation of the like articles, being the growth, produce or manufacture of any other country. Nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other, which shall not equally extend to the exportation of the like articles to the territories of all other nations.

Article 5. No other, or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck; or any other local charges shall be imposed in any of the ports of the Hawaiian Islands on Swedish and Norwegian vessels, than those payable in the same ports by Hawaiian vessels, nor in the ports of His Swedish and Norwegian Majesty.

territories, on Hawaiian vessels, than shall be payable in the same ports on Swedish and Norwegian vessels.

Article 6. The same duties shall be paid on the importation of any article which is or may be legally importable into the Hawaiian Islands, whether such importation shall be in Hawaiian or in Swedish and Norwegian vessels; and the same duties shall be paid on the importation of any article which is or may be legally importable into the dominions of His Swedish and Norwegian Majesty, whether such importations shall be in Swedish and Norwegian, or in Hawaiian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be exportable from the Hawaiian Islands whether such exportation shall be in Hawaiian or in Swedish and Norwegian vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from His Swedish and Norwegian Majesty's Dominions, whether such exportation shall be in Swedish and Norwegian, or in Hawaiian vessels.

Article 7. Swedish and Norwegian whale ships shall have access to the ports of Hilo, Kealahou and Hanalei in the Sandwich Islands, for the purpose of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which two last mentioned ports only are ports of entry for all merchant vessels; and in all the above named ports they shall be permitted to trade or barter their supplies, or goods, excepting spirituous liquors, to the amount of two hundred dollars ad valorem, for each vessel, without paying any charge for tonnage or for harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted with the like exemption from all charges for tonnage and harbor dues, further to trade or barter with the same exception as to spirituous liquors, to the additional amount of one thousand dollars ad valorem, for each vessel, paying upon the additional goods and articles so traded and bartered no other or higher duties than are payable on like goods and articles when imported in national vessels and by native subjects. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen, or land their passengers in the said Islands, except at Honolulu and Lahaina, and in all the ports named in this article, Swedish and Norwegian whale ships shall enjoy in all respects whatsoever all the rights, privileges and immunities which are or may be enjoyed by national whale ships, or by whale ships of the most favoured nation.

The like privilege of frequenting the three ports of the Sandwich Islands named in this article, which are not ports of entry for merchant vessels, is also granted to all the public armed vessels of Sweden and Norway. But nothing in this article shall be construed as authorizing any Swedish or Norwegian vessel having on board any disease usually regarded as requiring quarantine, to enter during the contin-

uance of any such disease on board, any ports of the Sandwich Islands other than Honolulu or Lahaina.

Article 8. All merchants, commanders of ships and others, the subjects of His Swedish and Norwegian Majesty, shall have full liberty in the Hawaiian islands, to manage their own affairs themselves or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons than those employed by Hawaiian subjects, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid in like cases by Hawaiian subjects. Swedish and Norwegian subjects in the Hawaiian Islands, shall be at liberty to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract or exclusive privilege of sale or purchase whatever; and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix for the price of any goods, wares or merchandise, imported into or exported from the Hawaiian Islands, as they shall see good: observing the laws and established customs of those Islands. The same privileges shall be enjoyed in the dominions of His Swedish and Norwegian Majesty, by Hawaiian subjects under the same conditions.

The subjects of either of the contracting parties in the territories of the other shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights, and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatsoever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges as native subjects.

Article 9. In whatever relates to the police of the ports, the lading and unlading of ships, the warehousing and safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal properties of every sort and denomination by sale, donation, exchange or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the subjects of each contracting party shall enjoy in the territories of the other, the same privileges, liberties and rights as native subjects, and they shall not be charged in any of these respects, with any other or higher imposts or duties, than those which are or may be paid by native subjects, subject always to the local laws and regulations of such territories.

In the event of any subject of either of the two contracting parties dying without will or testament, in the territories of the other contracting party, the Consul General, Consul or acting Consul of the nation to which the deceased may belong, shall so far as the laws of each country will permit, take charge of the property which the deceased may have left for the benefit of his lawful heirs and creditors, until an executor or administrator be named according to the laws of country in which the death shall have taken place.

Article 10. The subjects of His Swedish and Norwegian Majesty residing in the Hawaiian Islands, and Hawaiian subjects residing in the dominions of His Swedish and Norwegian Majesty shall be exempted from all compulsory military service whatever, whether by sea or by land, and from all forced loans, or military exactions or requisitions, and they shall not be compelled under any pretext whatsoever to pay any ordinary charges, requisitions or taxes, other or higher than those that are or may be paid by native subjects.

Article 11. It is agreed and covenanted that neither of the two contracting parties shall knowingly receive into, or retain in its service any subjects of the other party who have deserted from the naval military service of that other party, but that on the contrary, each of the contracting parties shall, respectively, discharge from its service any such deserters upon being required by the other party so to do.

And it is further agreed that if any of the crew shall desert from a vessel of war, or merchant vessel of either contracting party, while such vessel is within any port in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the consul of the party concerned, or by the deputy or representative of the consul, and no public body shall protect or harbor such deserters.

It is further agreed and declared that any other favor or facility with respect to the recovery of deserters which either of the contracting parties has granted or may hereafter grant, to any other state, shall be considered as granted also to the other contracting party, in the same manner as if such favor or facility had been expressly stipulated by the present treaty.

Article 12. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade to reside in the territories of the other party, but, before any consul shall act as such, he shall in the usual form be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of consuls, such particular places as either of them may judge fit to be excepted. The diplomatic agents and consuls of the Hawaiian Islands in the dominions of His Swedish and Norwegian Majesty shall enjoy whatever privileges, exemptions, and immunities are or shall be granted there to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of His Swedish and Norwegian Majesty in the Hawaiian Islands, shall enjoy whatever privileges, exemptions or immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

Article 13. For the better security of commerce between the subjects of His Swedish and and Norwegian Majesty and of the King of the Hawaiian Islands, it is agreed, that if at any time, any rupture or interruption of friendly intercourse should unfortunately take place between the two contracting parties, the subjects of either of the two

contracting parties, shall be allowed a year to wind up their accounts and dispose of their property, and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects of either of the two contracting parties who may be established in the territories of the other in the exercise of any trade or special employment shall in such case have the privilege of remaining and continuing such trade and employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the state shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects. In the same case debts between individuals, public funds, and the shares of companies shall never be confiscated, sequestered or detained.

Article 14. The subjects of His Swedish and Norwegian Majesty residing in the Hawaiian Islands, shall not be disturbed, persecuted or annoyed on account of their religion, but they shall have perfect liberty of conscience therein, and shall be allowed to celebrate Divine service either within their own private houses or in their own particular churches or chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the government of the said Islands. Liberty shall also be granted to them to bury in burial places, which in the same manner they may freely establish and maintain, such subjects of His Swedish and Norwegian Majesty, who may die in the said Islands. In like manner Hawaiian subjects shall enjoy within the dominions of His Swedish and Norwegian Majesty perfect and unrestrained liberty of conscience, and shall be allowed to exercise their religion publicly or privately, within their own dwelling houses, or in the chapels or places of worship appointed for that purpose agreeably to the system of toleration established in the dominions of His said Majesty.

Article 15. All vessels bearing the flag of Sweden or of Norway in time of war shall receive every possible protection, short of actual hostility, within the ports and waters of His Majesty the King of the Hawaiian Islands; and His Majesty the King of Sweden and Norway engages to respect in time of war the neutral rights of the Hawaiian Kingdom and to use his good offices with all other powers, having treaties with His Majesty the King of the Hawaiian Islands, to induce them to adopt the same policy towards the Hawaiian Kingdom.

Article 16. If any ships of war or merchant vessel, of either of the contracting parties should be wrecked on the coasts of the other, such ship or vessel or any parts thereof, and furniture and appurtenance belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the proprietors upon being claimed by them, or by their duly authorized agents, and if there are no such proprietors or agents

on the spot, then the said goods or merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ship or vessel shall be delivered to the Swedish and Norwegian or Hawaiian consul in whose district the wreck may have taken place, and such consul, proprietors or agents shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption.

Article 17. In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the contracting parties shall have the right of giving the other party notice of its intention to terminate articles 4, 5 and 6 of the present treaty; and that at the expiration of 18 months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein shall cease to be binding on the two contracting parties.

Article 18. The present treaty shall be ratified and the ratifications shall be exchanged at Honolulu in eighteen months, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at Honolulu this first day of July; in the year of Our Lord one thousand eight hundred and fifty-two.

Signed, R. C. WYLLIE,
H. H. M.'s Minister of Foreign Relations,
Member of His Privy Council of State
and of His House of Nobles.

[L. S.]

Signed, C. A. VIRGIN,
Chamberlain to His M. the King of Swe-
den and Norway, Post Captain in the R.
Swedish Navy, Knight of the Royal
order of the Sword and of the Imperial
Russian order of St. Stanislaus.

[L. S.]

ADDITIONAL ARTICLE.

This treaty shall not be considered as permanently binding until the ratifications have been exchanged as provided for in article eighteen, but it has been agreed that from this date, all the benefits under it shall be extended to all the subjects of His Swedish and Norwegian Majesty, their commerce and navigation.

Done at Honolulu this first day of July, in the year of Our Lord one thousand eight hundred and fifty-two.

Signed, R. C. WYLLIE,

[L. S.]

Signed, C. A. VIRGIN.

[L. S.]

And whereas, We, Kamehameha IV., have fully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing Treaty, and

We do confirm and ratify the same in the most effectual manner, promising, on Our faith and word, as King, for Us and Our successors, to fulfil and observe it faithfully and scrupulously, in all its clauses.

In faith of which, We have signed this Ratification with Our hand, and have affixed thereto the Great Seal of Our Kingdom.

Done at Our Palace of Honolulu, this fifth day of April, in the year of Our Lord, 1855, and the first of Our reign.

[L. S.]

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

By the King and Kuhina Nui.

R. C. WYLLIE,
Minister of Foreign Relations.